

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LORI LEE CRULL,

Plaintiff,

v.

STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; KYLE BUNGE
and STEVE M. LOWE, in their official
and individual capacities,

Defendants

NO. 13-00426-RMP

STIPULATED PROTECTIVE
ORDER

I. STIPULATION

The parties to this action, through the undersigned counsel, stipulate to an order of protection from the court as follows:

1. Both parties have access to information and documents relating to child care. Plaintiff from operating a former daycare business, known as Little Lambs Learning Center and/or known by any other name, and Defendants and other Department of Social and Health employees in the course of performing their official duties. Pertinent files that both parties may have access to will contain information of a confidential and privileged nature relating to minors and third parties. This information may include but is not limited to: identification

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1 information, incidents or reports of child abuse or neglect, financial information,
2 records normally maintained by a daycare facility identifying information of a
3 personal or confidential nature, family information, and other information not
4 subject to public disclosure. These records need to be exchanged for the purposes
5 of discovery in this matter.

6 2. The parties agree and the court orders that any and all documents
7 exchanged in discovery shall be treated as confidential and will not be made
8 accessible to anyone other than the parties, their counsel, and experts retained in
9 this litigation to review the documents.

10 3. The parties agree that upon signing this stipulation, they will honor
11 the terms of the stipulation even before the court has an opportunity to sign and
12 enter the order.

13 4. Since both parties would have access to the records relating to the
14 minors or other third parties who were in the care of the day care while it was
15 operated by plaintiff, the parties agree and the court orders that discovery can be
16 exchanged between the parties without redacting the identification or personal
17 information on third parties. This will facilitate discovery given the large volume
18 of records at issue.

19 5. The parties agree and the court orders that if records exchanged in
20 discovery are to be disclosed to experts for the purposes of the litigation, then the
21 party retaining the expert will ensure that a confidentiality agreement is signed to
22 protect the interests of third parties or the information on the third parties is

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1 redacted, and the expert shall be made aware of and bound by the terms of this
2 order of protection.

3 6. The parties agree and the court orders that counsel will have access
4 to reports of or information on reports of child abuse that related to the children in
5 the care of Plaintiff's child care center. Plaintiff's counsel agrees that the names
6 and identifying information of any reporter of child abuse, witness to child abuse,
7 victim of child abuse or person of interest in a child abuse report, will not be
8 disclosed to their client or anyone outside of legal counsel's necessary personnel.
9 It is not anticipated that the identity of these persons is relevant to the pending
10 litigation, but if either party contends one of the reporters or witnesses of child
11 abuse becomes relevant in the pending litigation, the parties will attempt to reach
12 an agreement on any discovery relating to this issue or seek a further order from
13 the court as necessary.

14 7. The parties agree and the court orders that any documents, records,
15 or electronic data or information disclosed in discovery in this matter will not be
16 filed with the court, except under seal, without the prior written permission and/or
17 consent of the other party.

18 8. The parties agree and the court orders that any information and/or
19 documents produced in discovery shall not be further disseminated outside of the
20 parties, counsel and experts. The records will not be shown to lay witnesses or
21 any other individuals without written consent of the other party or further order
22 from the court.

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1 9. The parties agree and the court orders that information and
2 documents, if used during depositions, must be redacted to prevent disclosure of
3 confidential/privileged information, and depositions shall be sealed as necessary
4 to prevent the disclosure of any identifying or personal information relating to
5 third parties.

6 10. The parties agree and the court orders that the information and
7 documents provided in discovery, if filed with the Court, shall be filed under seal.
8 To the extent admission of these records into evidence at trial becomes necessary,
9 the parties will address the method of introduction to protect any and all
10 confidential and/or personal information with the court prior to trial.

11 11. The parties agree and the court orders that the discovery documents
12 and any reproductions not necessary for preservation of litigation files will be
13 returned to the Office of the Attorney General at the conclusion of this litigation
14 for destruction or destroyed by the party in possession of the documents. Any
15 documents preserved to protect the integrity of litigation files will not be further
16 disseminated or used for any purpose other than one directly related to this
17 litigation.

18 12. The parties agree and the court orders that the records disclosed in
19 discovery will not be used for any purposes other than as necessary in the course
20 of this litigation and consistent with the terms of this order of protection.

21 13. The parties agree and the court orders that nothing in this order shall
22 prevent Defendants from making required disclosures of public records that may

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1 be required by law.

2 The Court finds that the information and/or documents described above may
3 be made confidential or conditionally privileged, but at the same time, the
4 information and/or documents are relevant to discovery in this matter. To
5 facilitate discovery and based upon the stipulated agreement of the parties, the
6 Court hereby orders the records shall be subject to this order of protection as set
7 out above.

8 The District Court Clerk is directed to enter this Order and provide copies to
9 counsel.

10 **DATED** this 27th day of March, 2014.

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12 *s/ Rosanna Malouf Peterson*
13 ROSANNA MALOUF PETERSON
14 Chief United States District Court Judge
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